

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

A.D. MILLS, #K4561

VS.

CIVIL ACTION NO. 2:09v107-KS-MTP

RONALD KING, ET AL

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause came on this date to be heard upon Motion for Summary Judgment [42] filed by Franc McGrew seeking judgment in his favor on claims raised against him by the *pro se* Plaintiff's civil rights complaint alleging cruel and unusual punishment, a violation of the Eight Amendment to the Constitution, Report and Recommendation filed by Magistrate Judge Michael T. Parker [51], Objection thereto by Plaintiff [54], and Response by Defendant McGrew [55], and the Court after considering the same finds that the Plaintiff, A.D. Mills, in his Objection has agreed with the Report and Recommendation that Mr. Franc McGrew be dismissed as a Defendant. In his Reply Mr. McGrew does not object.

IT IS THEREFORE, ORDERED that the Report and Recommendation [51] be and the same is hereby adopted as the finding of this Court and the Complaint is hereby dismissed with prejudice against Franc McGrew. A separate Judgment shall be entered herein in accordance with this Order as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED, this the 13th day of August, 2010.

s/Keith Starrett
UNITED STATES DISTRICT JUDGE